

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

KENNETH G. HALL, JR.,

Plaintiff,

Case No. 08-CV-13330

v.

HON. GEORGE CARAM STEEH

COMMISSIONER OF
SOCIAL SECURITY,

Defendant.

_____ /

ORDER ACCEPTING REPORT AND RECOMMENDATION
DENYING DEFENDANT'S MOTION FOR SUMMARY JUDGMENT,
DENYING PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT
AND REMANDING CASE FOR FURTHER PROCEEDINGS

This matter is before the court on the parties' cross-motions for summary judgment as to plaintiff Kenneth G. Hall, Jr.'s claim for judicial review of the denial of his June 24, 2004 application for disability benefits. The matter was referred to Magistrate Judge Mona Majzoub, who issued an 19-page report and recommendation on August 13, recommending that defendant's motion for summary judgment be denied, that plaintiff's motion for summary judgment be denied, and that the case be remanded for further proceedings. Neither party filed timely objections to the report and recommendation. The Court has considered the file, record and Magistrate's report and recommendation.

The Court agrees with the recommendation that the case should be remanded as follows:

[T]he ALJ [shall] evaluate Dr. Baddam's and Dr. Hanson's opinions and evidence in full. The ALJ should give specific reasons for the weight assigned to this evidence and specific citations to the evidence of record on which he relies. 20 C.F.R. § 404.1527. To the extent that this results in a new RFC, the ALJ must make a new step four and, if necessary, step five determination.

(Report and Recommendation, p. 18).

The Court hereby ACCEPTS Magistrate Judge Majzoub's August 13, 2009 report and recommendation. Defendant Commissioner of Social Security's motion for summary judgment is hereby DENIED. Plaintiff's motion for summary judgment is hereby DENIED. The case is hereby REMANDED for further proceedings as set forth herein.

SO ORDERED.

Dated: September 10, 2009

S/George Caram Steeh
GEORGE CARAM STEEH
UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

Copies of this Order were served upon attorneys of record on September 10, 2009, by electronic and/or ordinary mail.

s/Josephine Chaffee
Deputy Clerk